

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, DECEMBER 2, 2004  
8:15 A.M.**

Commissioners Present: Ray Stevens, Chair  
Larry Hudkins, Vice Chair  
Bernie Heier  
Bob Workman  
Deb Schorr

Others Present: Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
Kristy Mundt, Deputy County Attorney  
Trish Owen, Chief Deputy County Clerk  
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:16 a.m.

**AGENDA ITEM**

**1 APPROVAL OF THE STAFF MEETING MINUTES OF THURSDAY,  
NOVEMBER 18, 2004**

Item held.

**2 ADDITIONS TO THE AGENDA**

None were stated.

**3 COMMISSIONER MEETING REPORTS**

A. Lancaster Manor Advisory Board - Hudkins

No meeting.

B. Downtown Lincoln Association (DLA) Board - Stevens

Stevens said discussion focused on the parking study.

Heier and Hudkins arrived at 8:19 a.m.

## RETURNING TO ITEM 1

**MOTION:** Hudkins moved and Workman seconded approval of the Staff Meeting minutes of November 18, 2004. Hudkins, Heier, Workman and Stevens voted aye. Schorr was absent from voting. Motion carried.

## RETURNING TO ITEM 3

C. Juvenile Justice Review Committee - Heier

Heier said discussion focused on prioritizing the needs of the community.

D. Community Mental Health Center (CMHC) Advisory Committee - Stevens

Stevens reported discussion of the Assertive Community Treatment (ACT) Program.

Schorr arrived at 8:23 a.m.

E. Families First & Foremost (F<sup>3</sup>) Conveners - Schorr

Schorr said Sheryl Schrepf, Families First & Foremost (F<sup>3</sup>) Director, was asked to bring forward a funding and programming proposal, as the federal grant is nearing conclusion.

F. Visitors Promotion Advisory Committee (VPAC) - Schorr

Schorr reported on a presentation of the reorganization of the Lincoln Convention & Visitors Bureau (CVB) and plans for the coming year. A similar presentation will be given at a Board of Commissioners Meeting.

G. Lincoln Independent Business Association (LIBA) Monthly Meeting - Heier, Workman

Workman said discussion focused on city issues.

- 4 A) SPECIAL PERMIT NUMBER 04049, COMMUNITY UNIT PLAN, AND PRELIMINARY PLAT NUMBER 04023, FISHERMAN'S LANDING, 176<sup>TH</sup> AND FIRTH ROAD; AND B) FINAL PLAT NUMBER 03028, THE PRESERVE AT CROSS CREEK, SOUTH 68<sup>TH</sup> STREET AND ROCA ROAD - Mike DeKalb, Planning Department**

## **A) Special Permit Number 04049 and Preliminary Plat Number 04023**

Mike DeKalb, Planning Department, gave an overview of Special Permit Number 04049 and Preliminary Plat Number 04023, Fisherman's Landing, consisting of eleven residential acreages clustered around a Natural Resource District (NRD) lake on property northwest of the intersection of South 176<sup>th</sup> Street and Firth Road, noting a recommendation of conditional approval from the Planning Commission and Staff (Exhibit A).

## **B) Final Plat Number 03028**

DeKalb gave an overview of Final Plat Number 03028, The Preserve at Cross Creek, consisting of 15 lots on property at South 68<sup>th</sup> Street and Roca Road (Exhibit B).

- 5 PENDING AND POTENTIAL LITIGATION** - Mike Thew, Chief Deputy County Attorney; Doug Cyr, Chief Administrative Deputy County Attorney; Tom Fox, Deputy County Attorney

**MOTION:** Schorr moved and Hudkins seconded to enter Executive Session at 9:06 a.m. for discussion of pending and potential litigation. Heier, Schorr, Workman, Hudkins and Stevens voted aye. Motion carried.

Schorr exited the meeting.

**MOTION:** Workman moved and Heier seconded to exit Executive Session at 9:53 a.m. Heier, Workman, Stevens and Hudkins voted aye. Schorr was absent from voting. Motion carried.

Schorr returned to the meeting at 9:56 a.m.

- 6 CLAIMS FOR REVIEW FROM FAMILIES FIRST AND FOREMOST (F<sup>3</sup>)** - Renee' Dozier, Families First & Foremost (F<sup>3</sup>) Associate Director

Renee' Dozier, Families First & Foremost (F<sup>3</sup>) Associate Director, provided an explanation of each the following questionable claims (Exhibit C):

1. PV782-6651, dated October 27, 2004, payable to Visinet, Inc., in the amount of \$203.29. Payment is for services received during January, 2004. Claim is beyond the 90 day time period (see State Statute §23-135).
2. PV782-6627, dated October 26, 2004, payable to Kevin and Sarah Steele in the amount of \$524.00. Payment is for foster care and respite services provided in May and June, 2004. Claim is beyond the 90 day time period (see State Statute §23-135).

3. PV782-6621, dated October 26, 2004, payable to the Child Saving Institute in the amount of \$3,547.50. Payment is for emergency shelter services provided in May and June, 2004. Claim is beyond the 90 day time period (see State Statute §23-135).
4. PV782-6615, dated October 26, 2004, payable to Bryan LGH Medical Center in the amount of \$1,665.24. Payment is for services provided in March and April, 2004. Claim is beyond the 90 day time period (see State Statute §23-135).
5. PV782-6683, dated November 2, 2004, payable to OMNI Behavioral Health in the amount of \$975.00. Payment is for services provided in April, 2004. Claim is beyond the 90 day time period (see State Statute §23-135).
6. PV782-6727, dated November 9, 2004, payable to Elvira Kobza in the amount of \$332.00. Payment is for foster care and respite services provided in July, 2004. Claim is beyond the 90 day time period (see State Statute §23-135).
7. PV782-6636, dated October 26, 2004, payable to Mohammed Siddiq in the amount of \$20.00. Payment is for interpreting services proved on June 25, 2004. Claim is beyond the 90 day time period (see State Statute §23-135).

Dozier recommended payment of the claims, with the exception of PV782-6615 to Bryan LGH Medical Center.

**7 SALARY MARKET ADJUSTMENT FOR LARRY VAN HUNNIK, LANCASTER MANOR ADMINISTRATOR - Don Taute, Personnel Director**

Don Taute, Personnel Director, reported receipt of information from the Nebraska Health Care Association (NHCA) regarding nursing home administrator salaries in Nebraska, based on region and the number of beds. **NOTE:** The figures were published in April, 2004. He said calculations were made to determine the mean, median and midpoints:

Mean	\$105,764
Median	\$ 96,114
Midpoint	\$100,939

Taute said the County is currently 1.5 percent over market (calculation used the midpoint figure and the Lancaster Manor Administrator's currently salary of \$102,480). He noted that the Personnel Committee has recommended a 3.3 percent salary adjustment for the Lancaster Manor Administrator, which will increase his salary to \$105,866 and said that will increase the percentage over current market figures to 4.8 percent.

Hudkins said Lancaster Manor is largest nursing home facility in Nebraska and urged the Board to consider a \$5,000 market adjustment.

**MOTION:** Schorr moved to follow the recommendation of the Personnel Committee and hold the salary increase to 3.3 percent.

Heier questioned whether action is necessary.

Schorr withdrew her motion.

**8 LODGING TAX** - Jim Fram, Lincoln Chamber of Commerce President;  
Wendy Birdsall, Lincoln Convention & Visitors Bureau President

Jim Fram, Lincoln Chamber of Commerce President, asked the Board to consider a 2 percent increase in the lodging tax to enhance the tourist industry in Lincoln and Lancaster County. He suggested the following distribution: 1) One-fourth to be used to design and fund entryways into Lincoln and Lancaster County; 2) One-fourth to be placed in a marketing fund to increase stays in hotels and motels; and 3) Remainder to be placed in a restricted fund to be used in public/private partnership for an existing or new arena/convention center/multi-purpose facility.

Schorr suggested that some of the money could be used to relocate the Visitors Center.

Board consensus was to seek a recommendation from the Visitors Promotion Advisory Committee (VPAC).

**9 A) NEBRASKA CRIME COMMISSION GRANTS AND JUVENILE PRE-TRIAL DIVERSION PROGRAM; AND B) REQUEST FOR PROPOSALS (RFP) FOR HUMAN SERVICES PLANNING** - Kit Boesch, Human Services Administrator

**A) Nebraska Crime Commission Grants and Juvenile Pre-Trial Diversion Program**

Kit Boesch, Human Services Administrator, asked the Board to approve \$67,311 in new county funds, \$47,000 in Juvenile Accountability Incentive Block Grant (JAIBG) funding and \$100,000 of anticipated LB 640 funding to fund Pre-Trial Diversion, Evening Reporting Center, Day Reporting Center and Project H.I.R.E. (juvenile employment placement and training program) as graduated sanctions in Fiscal Year 2005-06 (Exhibit D). She also requested authorization to submit a grant request to the Nebraska Crime Commission, with total county match in the amount of \$95,672 (Exhibit E):

- Cedars Youth Services - Project SEEK (Services to Enable and Empower Kids) (Reduce the risk of future criminal activity among children whose parent is incarcerated)
- Cedars Youth Services - Community Integration Team (An intensive therapeutic case management program)
- Cedars Youth Services - YES (Youth Excelling in School) (Truancy prevention and intervention)
- Cedars Youth Services - Minority Outreach Project (A minority outreach diversion program)
- Lincoln Action Program - The HUB Central Access Point (Formerly The HUB - Transitional Services Network for Young Adults)
- Families First & Foremost (F<sup>3</sup>) - Substance Abuse Alternative
- Lincoln Action Program - Youth ACT (Youth and Community Together) (Targets juvenile male offenders and/or adolescent males at risk of crime or violence)
- Cedars Youth Services - Truancy Court (Addresses truancy issues early by targeting middle school youth)

**MOTION:** Schorr moved and Hudkins seconded to support the recommendation from Kit Boesch, Human Services Administrator, and to authorize submission of the grant application to the Nebraska Crime Commission. Hudkins, Schorr, Heier, Stevens and Workman voted aye. Motion carried.

Also present were: Gary Lacey, County Attorney; Jodi Nelson, Chief Deputy County Attorney for the Juvenile Division; Michelle Schindler, Youth Services Center Deputy Director; Corey Steele, Juvenile Detention Expediter; Melissa Beecher, Juvenile Justice Coordinator; Jim Blue, Cedars Youth Services Executive Director; Sandra Miller, Petra Smith and Cindy Rudolph, Cedars Youth Services; and T. J. McDowell, Jr., Lighthouse.

## **B) Request for Proposals (RFP) for Human Services Planning**

Boesch explained that the City, County and United Way have contracted (\$35,000 each) with the University of Nebraska Public Policy Center for implementation of the Human Services Needs Assessment and Comprehensive Plan. She said dissatisfaction with the product has led to cancellation of the third year of the contract. The Public Policy Center is entitled to \$52,500 for services rendered in the first six months and that amount will be reduced by \$5,000 to reflect a direct payment of \$10,000 by the Lincoln Public Schools Foundation, a subsequent party to the contract.

Boesch said a committee will review the Request for Proposals (RFP) for human services planning and will forward a recommendation to the County Board and City Council.

**10 MAINTENANCE AND REMOVAL OF SNOW BY COUNTY OF  
SANITARY IMPROVEMENT DISTRICT (S.I.D.) ROADS - Don  
Thomas, County Engineer**

Kristy Mundt, Deputy County Attorney, said there is no statutory requirement that the County maintain the roads within a Sanitary Improvement District (S.I.D.).

Daniel Wherry, attorney for S.I.D. No. 8 (Walton, Nebraska), appeared and asked the Board to use its discretion and maintain the streets within the District.

Mundt said the District could enter into a contractual agreement with the County or could amend its articles of incorporation.

Wherry said the District is reluctant to amend its articles, as it could limit its authority.

Don Thomas, County Engineer, said his department is willing to take back maintenance in Walton, subject to certain conditions. The streets would be subject to inspection, with S.I.D. No. 8 responsible for putting on the necessary gravel, and Madison Street would not be part of the maintenance agreement. He said maintenance would be at no cost once the streets are accepted.

Also present was Tony Koester, S.I.D. No. 8 Trustee.

Thomas also addressed the rural addressing project and said he believes his department should be the repository for the database.

**11 AUTHORITY OF STATE TO CLOSE COUNTY ROADS - Kristy Mundt,  
Deputy County Attorney; Don Thomas, County Engineer**

Kristy Mundt, Deputy County Attorney, reviewed an opinion regarding the State's authority to close county roads by eliminating at-grade intersections (see agenda packet). **NOTE:** Questions had arisen in connection with Comprehensive Plan Amendment No. 04020, which proposes to upgrade U.S. Highway 77/West Bypass from expressway to freeway status. The amendment, which was requested by the Nebraska Department of Roads, proposes to close existing at-grade access to U.S. Highway 77 at Rokeby Road, Yankee Hill Road and Old Cheney Road.

Hudkins asked Don Thomas, County Engineer, how traffic will be handled if Rokeby Road, Yankee Hill Road and Old Cheney Road are closed.

Thomas said two things are likely to happen: 1) Crossing Yankee Hill Road over Wilderness Park; and 2) An upgrade of South 1<sup>st</sup> Street.

Hudkins asked whether there are plans to widen or four-lane Pioneers Boulevard.

Thomas said traffic patterns do not support doing so.

Stevens said he believes the Department of Roads has underestimated the amount of traffic that will be on Pioneers Boulevard and said Folsom Street from Old Cheney to Denton Road could become a significant road.

Thomas said development in the area will impact Folsom Street regardless of what happens.

## 12 ADMINISTRATIVE OFFICER REPORT

### A. Staff Meeting Schedule

**MOTION:** Workman moved and Schorr seconded to change the Staff Meeting starting time to 8:30 a.m., effective January 6, 2005. Workman, Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

There was also consensus by the Board to: 1) Move the starting time of the December 9, 2004 Staff Meeting to 9:30 a.m.; 2) Cancel the December 16, 2004 Staff Meeting, due to the lack of a quorum; and 3) Hold a Staff Meeting on December 21, 2004, if necessary.

### E. Ex-Parte Communications by Planning Commission

Board consensus was to schedule discussion of the proposed language on the January 4, 2005 City-County Common Meeting agenda:

*Any communication between a Lincoln-Lancaster County Planning Commission Member and a City or County agency, department, other member of the Planning Commission or any individual concerning an application shall be noted on public record by the department, agency and Planning Commission Member at the next meeting of the Planning Commission. Additionally, this information must be shared with the applicant and attached to the application being discussed.*

*An ex-parte communication roll call will be taken by the Chairperson at the beginning of each Planning Commission meeting.*

I. Petty Cash Fund for Community Corrections

Dave Kroeker, Budget and Fiscal Officer, appeared and said staff have been purchasing rewards, such as movie passes, for Adult Drug Court participants with their own money and have not been seeking reimbursement. He said Kim Etherton, Community Corrections Director, will not allow that to continue and has requested establishment of a petty cash fund (\$20 per month) to pay for the rewards.

Heier offered to pay for three months of rewards.

Brief discussion took place with a suggestion for a pre-purchase program.

The Board asked Kroeker to seek direction from the County Attorney's Office.

J. City-County Common Agenda Items and Bylaws

Ex-parte communications by Planning Commission was offered as a City-County Common agenda item.

Kerry Eagan, Chief Administrative Officer, reviewed proposed changes to the bylaws (see agenda packet).

K. Date for Mid-Year Budget Retreat

Board consensus was to schedule the Mid-Year Budget Retreat on January 20, 2005.

- L. Nebraska Association of County Officials (NACO) Lease for Community Mental Health Center (CMHC) Vans
- N. Election of County Board Officers
- O. District Energy Corporation Director Appointment

The Board scheduled Items L, N and O on the December 7, 2004 Board of Commissioners Meeting agenda.

Schorr exited the meeting at 11:55 a.m.

B. Meeting with County Legislative Delegation (December 14, 2004)

The Chair, Chief Administrative Officer and Legislative Consultant will attend the meeting.

C. Land Use Decision Process

Heier suggested study of the land use decision process, preferably in conjunction with the City.

The Chair and Vice Chair agreed to discuss the proposal with the Mayor.

Board consensus was to schedule discussion of funding on the Mid-Year Budget Retreat agenda.

D. Meeting with Marvin Krout, Planning Director, and Mike DeKalb, Planning Department

Eagan reported on the meeting that was held to discuss how to improve communication. He said suggestions included: 1) Convey information at meetings between the Chair and Vice Chair of the County Board and Mayor; 2) Regular reports from the Planning Director; 3) Quarterly workshops; and 4) Individual briefings on sensitive issues at the Planning Department. He said Planning Commission procedures were also discussed.

**MOTION:** Heier moved and Hudkins seconded to direct the Planning Department to eliminate references to "point system" scoring on acreage development from written staff reports. Hudkins, Heier, Stevens and Workman voted aye. Schorr was absent from voting. Motion carried.

E. Ex-Parte Communications by Planning Commission

Item moved forward on the agenda.

F. Annual Meeting with Villages

Item held.

G. Resolution Requiring Posting of Addresses

**MOTION:** Hudkins moved and Workman seconded to direct Kerry Eagan, Chief Administrative Officer, to generate a request to the Planning Department and County Attorney's Office to develop a resolution requiring the posting of addresses. Workman, Stevens, Heier and Hudkins voted aye. Schorr was absent from voting. Motion carried.

H. Douglas County Assessment Center

The Board asked Eagan to schedule a tour of the facility.

I. Petty Cash Fund for Community Corrections

Item moved forward on the agenda.

J. City-County Common Agenda Items and Bylaws

K. Date for Mid-Year Budget Retreat

L. Nebraska Association of County Officials (NACO) Lease for  
Community Mental Health Center (CMHC) Vans

Items J, K and L were moved forward on the agenda.

M. Policy for Use of County Board Letterhead

Gwen Thorpe, Deputy Chief Administrative Officer, reviewed a proposed policy for letters for County Board signature and use of County Board letterhead:

- 1) Draft language should be e-mailed to Cori in the County Board Office at [cbeattie@co.lancaster.ne.us](mailto:cbeattie@co.lancaster.ne.us) as a WordPerfect or Word attachment.
- 2) Language will be reviewed and changes made, if necessary, prior to approval by the County Board.
- 3) The letter will be printed on County Board letterhead for authorized signature.
- 4) A copy of the letter will be kept on file in the County Board Office, as well as in TRIM, the County's records management software.
- 5) The letter will then be released to the originating department for processing

**NOTE:** Blank County Board letterhead will no longer be available for distribution. All letters for County Board signature must follow the above policy.

The Board asked Thorpe to consult the County Attorney's Office on how to proceed with the policy.

N. Election of County Board Officers

O. District Energy Corporation Director Appointment

Items N and O were moved forward on the agenda.

P. County Extension Building Heating and Cooling System

**MOTION:** Workman moved and Heier seconded to direct Gary Bergman, County Extension Agent, to work with Don Killeen, County Property Manager, and Vince Mejer, Purchasing Agent, to find a mechanical engineer to assess the heating and cooling system and make recommendation. Heier, Hudkins, Workman and Stevens voted aye. Schorr was absent from voting. Motion carried.

**13 ADJOURNMENT**

**MOTION:** Heier moved and Workman seconded to adjourn the meeting at 12:15 p.m. Hudkins, Heier, Workman and Stevens voted aye. Schorr was absent from voting. Motion carried.

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Bruce Medcalf  
Lancaster County Clerk